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United States District Court
Southern District of Texas
RECEIVED
AUG 18 2017
David J. Bradley, Clerk of Court

US DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

Texas et al) Case # 14-cv-254
v) HONORABLE ANDREW HANEN
US)

Motion to unseal pleadings ECF Document #462, Opposition by Plaintiff-Intervener, Taitz, to Motion to Dismiss by Defendants-Interveners, Jane-Does, which was improperly sealed by a secretary-case manager Crisitina Sustaeta on 08.15.2017.

On 08.115.2017 secretary-case manager to Honorable Andrew Hanen, Ms. Sustaeta, has sealed the pleadings and exhibits of the Opposition to Motion to dismiss the case at hand.ECF #462(see the pleadings and exhibits attached). No ECF document-notification was ever sent to the parties to advise them that this opposition was ever filed. Taitz called the clerk's office and was told by a clerk that the pleadings were sealed and entered as "sealed event" per instructions of the case manager, Cristina Sustaeta. Taitz asked to be connected to her and left a message for Ms. Sustaeta advising her that Taitz redacted all Social Security numbers in the exhibits and checked twice and no other information was supposed to be redacted and the documents were improperly sealed, and need to be unsealed.

Ms. Sustata never called back and kept the whole document sealed, invisible to the public, to the parties in the case and possibly to the presiding judge.

ARGUMENT

The pleadings and the exhibits need to be unsealed for the following reasons:

1. An order to seal the pleadings or exhibits should come from a judge, not from a secretary.
2. If there is any problem with the document, the judge would order the party to redact a specific part of the document and re-file it. Additionally, there has to be a notification via ECF showing to the parties in the case and the public at large, who filed the pleadings, what is the title of the pleadings and all parts of the pleadings and exhibits that did not need redacting, if any. Outright sealing of the document by a secretary without an opportunity to correct or redact, if needed, represents an outright violation of the Fifth Amendment Due Process rights and First Amendment right of Redress of Grievances and Free Speech, which is done under the color of authority.

There is a history of Ms. Sustata depriving Taitz of her Due Process rights under the color of authority. On 12.01.2015 Honorable Judge Hanen issued an order ECF # 313, where he ordered all prospective interveners to appear in court. The court wrote: “the Court wishes the parties and those who have expressed an interest in becoming parties to be ready to address the effect of the Fifth Circuit’s Jane Doe(s) Opinion on the rights of individuals to intervene in this case. The Court is particularly concerned about the possible applicability of that opinion to parties beyond the three Jane Does discussed therein. To date, the following individuals have filed motions to intervene in the above named cause of action: Mitchell Williams [Doc. No. 40]; Orly Taitz [Doc. No. 137]; Harold William Van Allen [Doc. No. 295]; Joe Arpaio [Doc. No.220]; and Jane Doe #1, Jane Doe #2, and Jane Doe #3 [Doc. No. 91]. The Court also wants the parties and those who have expressed an interest in becoming parties to be ready to address the extent to which the intervenors are going to participate in this matter. The Clerk of the Court is ordered to make sure that all who sought to intervene and their counsel, if any, get notice of this order and this scheduled hearing. “ In spite of the express order by Judge Hanen, Ms Sustata removed Taitz from the Electronic Court Filing (ECF)

distribution list and never notified Taitz either electronically or by mail. Taitz could have been found in contempt of court for not showing up at the hearing. Only a day before the hearing, Taitz read a news-paper article (Exhibit A) about this court hearing which had an attached order. Upon reading in the article that she was supposed to appear in court, she took a red eye flight with two connections and appeared in court. At the subsequent hearing Hon. Andrew Hanen ordered Ms. Sustaeta to place Taitz back on the ECF distribution list.

Additionally, in a related case, 14-cv-119 exhibits were removed from the court filings that were submitted to court by mail by Taitz. This was done without any order to do so by Hon. Judge Hanen and Ms. Sustaeta was the case manager in that case as well.

CONCLUSION-PRAYER FOR RELIEF

Hon. Judge Hanen should unseal ECF #462 Opposition to Motion to Dismiss and attached exhibits. Ms. Sustaeta should be relieved of her position as the case manager or there should an administrative reprimand so in the future she does not abuse her power and does not deprive under color of authority parties before this court of their Constitutional rights of Due Process, Redress of Grievances and Freedom of Speech.

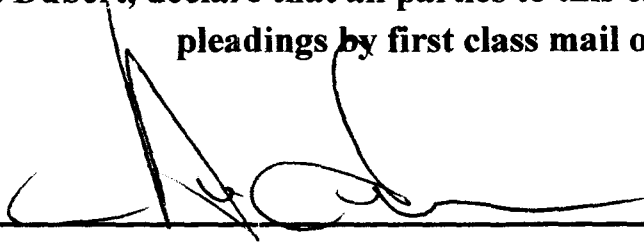
/s/ Dr. Orly Taitz, ESQ

08.17.2017



CERTIFICATE OF SERVICE

I, Lila Dubert, declare that all parties to this case were served with attached pleadings by first class mail on 08.17.2017

A handwritten signature in black ink, appearing to read 'Lila Dubert', is written over a horizontal line.

Lila Dubert

08.17.17
